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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,564	11/06/2001	Emil Rudd		6894

7590 07/07/2003

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EXAMINER

COLE, LAURA C

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,564

Applicant(s)

RUDD, EMIL

Examiner

Laura C Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, Jr., USPN 4,607,411.

Lewis, Jr. discloses a brush head having two surfaces, a top surface and a bottom surface (the top surface being where pole (308) is inserted in Figure 10, with the bottom surface being the one that bristles (306) extend from OR the top surface being the side with the hole (107) as shown in Figure 4 with the bottom surface being the side with the hole (107')), having two ends (Figures 3 or 10), a hole located on the top surface of the brush head being located near the second side of the brush head (Figure 10 where (308) is inserted OR Figure 3 (107) or (107')) and halfway between the first end and second end (Figures 1-3), a plurality of bristles attached to the bottom surface (Figure 10 (306)), and a rubber blade attached lengthwise to the top surface of the head near the first side (Figure 10 (301)). Lewis, Jr. does not disclose specific dimensions for the brush head, pole, or bristle length.

It would have been obvious to a person of ordinary skill in the art to have the brush head be eight inches in length, approximately three to five inches in width, the pole to be three to four feet long, and the bristles be approximately three to four inches

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because Applicant has not disclosed that providing these specific dimensions provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the dimensions shown by Lewis Jr. or the claimed specific dimensions because both of the dimensions perform the same function of cleaning or squeegeeing a car surface.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balch, USPN 206,212.

Balch discloses a brush head having two surfaces, a top surface and a bottom surface (the top surface being shown most upwards in Figure 1, including the portion (G) and the bottom is labeled (A) with the bristles extending), having two ends (Figures 1-3 the end is where (e) is located) and two sides (Figures 2-3 where (I) is located is one side and Figure 3 where (F) is located is the other side), a hole located on the top surface of the brush head being located near the second side of the brush head (Figures 1-3) and halfway between the first end and second end (Figures 1-2), a plurality of bristles attached to the bottom surface (Figures 1-3), and a rubber blade attached lengthwise to the top surface of the head near the first side (Figures 1-3 (D)). Balch does not disclose specific dimensions for the brush head, pole, or bristle length.

It would have been obvious to a person of ordinary skill in the art to have the brush head be eight inches in length, approximately three to five inches in width, the pole to be three to four feet long, and the bristles be approximately three to four inches because Applicant has not disclosed that providing these specific dimensions provides

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an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the dimensions shown by Balch or the claimed specific dimensions because both of the dimensions perform the same function of cleaning or squeegeeing a car.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Nierkerk, USPN 5,072,479 in view of Lambert, USPN 5,987,685.

Van Nierkerk discloses a sweeping implement comprising a brush head having two surfaces, a top and bottom surface (the top surface shown in Figure 2 as the uppermost surface with the label (12) and the bottom surface being where bristles (16) are attached), two ends (the right most and left most portions shown in Figure 2), and two sides (shown in Figure 1, where label (12) is would be the second side and the other side would be opposite that), a hole located on the top surface of the brush head being located near the second side and approximately halfway between the ends (Figures 1-2 (14)), a pole being removably inserted into the hole (Column 4 Lines 56-67), a plurality of bristles attached to the bottom surface (Figures 2-3 (16)), and a rubber blade attached lengthwise to the top surface of the brush head (Figures 1 and 3 (28)), Van Nierkerk does not disclose the specific dimensions of the brush head.

Lambert discloses a cleaning tool that has a scrubbing portion (Figure 1 (24)), a rubber blade (Figure 1 (19)), and an elongated pole (Figure 1 (11)) for cleaning the windshields of cars (Column 5 Lines 52-60), wherein the scrubbing portion head is greater than about 6 inches to permit cleaning an adequate amount of windshield in a

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single pass (Column 4 Lines 40-46), which is approximately eight inches, and as it appears in Figures 1-2 that the head is *approximately* 3 to 5 inches in width.

It would have been obvious for one of ordinary skill in the art to use the dimensions taught by Lambert for the cleaning head of Van Nierkerk so that the brush head has an efficient size for cleaning windshields of cars.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Nierkerk, USPN 5,072,479 in view of Lambert, USPN 5,987,685, and in further view of Zimmerman, USPN 4,375,115.

Van Nierkerk and Lambert disclose all elements above however do not disclose that the length of the handle is approximately three to four feet long.

Zimmerman discloses a cleaning and polishing implement to clean an exhaust stack of a truck that has a handle that is approximately four feet long (Column 2 Lines 16-20).

It would have been obvious for one of ordinary skill in the art to use a handle as taught by Zimmerman so that a user cleaning a vehicle will have enough extension to reach portions of even a large vehicle such as a truck.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Nierkerk, USPN 5,072,479 in view of Lambert, USPN 5,987,685, and in further view of Peck et al., USPN 2,722,705.

Van Nierkerk and Lambert disclose all elements above however do not disclose that the length of the bristles is approximately three to four inches.

Peck et al. disclose a brush wherein the bristles are 3 1/8 inch.

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It would have been obvious for one of ordinary skill in the art to modify the bristles to a length of approximately three to four inches as taught by Peck et al. for effective cleaning.

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marriott, USPN 1,255,902 in view of Van Nierkerk, USPN 5,072,479.

Marriott discloses a brush head having a top and bottom surface (Figure 1 (10) being the top and the surface where bristles (11) are affixed as the bottom surface), two end surfaces (the shortest sides), two side surfaces, one closer and one away from the pole (Figure 1), the pole having two ends, a plurality of bristles (Figure 1 (11)), and a rubber blade attached lengthwise (Figure 1 (12)). Marriott does not disclose a hole as an attachment means for a pole nor specific dimensions.

Van Nierkerk discloses all elements above including a hole with a connection for a removable pole (see above.) Van Nierkerk also does not disclose specific dimensions.

It would have been obvious for one of ordinary skill in the art to modify Marriott and use the connection means that Van Nierkerk teaches so that the pole may be removable. Further, it would have been obvious to a person of ordinary skill in the art to have the brush head be eight inches in length, approximately three to five inches in width, the pole to be three to four feet long, and the bristles be approximately three to four inches because Applicant has not disclosed that providing these specific dimensions provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's

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invention to perform equally well with the dimensions shown by Marriott, Van Nierkerk, or the claimed specific dimensions because both of the dimensions perform the same function of cleaning or squeegeeing a car.

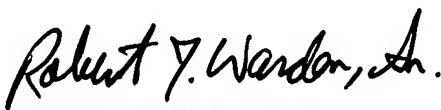
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (703) 305-7279. The examiner can normally be reached on Monday-Thursday, 7am - 4:30pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8772 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

LCC
June 26, 2003


ROBERT J. WARDEN, SR.
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